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IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO AND OAKLAND DIVISION

THOMAS FERNANDEZ and LORA SMITH,
 individually and on behalf of a class of all other
 persons similarly situated,

Plaintiffs,

vs.

K-M INDUSTRIES HOLDING CO., INC.,
 et al.,

Defendants.

Case No. C-06-07339 MJJ

**JOINT CASE MANAGEMENT
 STATEMENT**

Date: December 11, 2007
 Time: 2:00 p.m.
 Courtroom: 11

1 Pursuant to the Court's scheduling order dated November 2, 2007, the parties jointly
2 submit this Case Management Statement.

3 **I. Status of Litigation.**

4 All Defendants have substantially completed production of hard copy documents, and the
5 KM Defendants have been producing electronically stored information (ESI) on a rolling basis.
6 Plaintiffs continue to review documents as they are produced, and the parties continue to meet
7 and confer regarding various discovery matters, particularly documents withheld on the basis of
8 attorney-client privilege.

9 Pursuant to the scheduling order issued August 30, 2007, production of all documents and
10 ESI was to be completed by November 7, 2007. The KM Defendants submitted a case
11 management statement requesting a one-month extension on October 29, 2007. Plaintiffs
12 submitted a case management statement requesting that, if the Court decided to grant the KM
13 Defendants' request, a concomitant extension of the other deadlines in the case also be granted, so
14 that Plaintiffs would not be unfairly burdened with reviewing ESI in a significantly shortened
15 timeframe.

16 On November 2, 2007, the Court issued an order vacating the case management
17 conference set for November 5, and rescheduling it to December 11. The parties have operated
18 on the assumption that by that order, the Court granted the KM Defendants' request for a one-
19 month extension of the deadline to complete document production. However, the order did not
20 explicitly address whether the other case deadlines would be adjusted. The KM Defendants
21 expect to complete their production of ESI in response to Plaintiffs' requests for production of
22 documents by the December 7 deadline. Defendant North Star Trust Company's production of
23 ESI will be fully completed by the December 7 deadline.

24 As noted in the previous joint case management statement, all parties agree that for the
25 sake of efficiency, Plaintiffs should not take depositions until after Plaintiffs have had a sufficient
26 opportunity to review the documents and ESI produced in response to their document requests. If
27 Plaintiffs take depositions without such an opportunity, witnesses may need to be deposed more
28 than once, increasing the inconvenience and expense for all involved. Although at the time that

1 this Statement is being submitted, the KM Defendants and Defendant North Star Trust Co. have
 2 not yet completed their production of ESI, when their ESI production is completed, the K-M
 3 Defendants expect to have produced approximately 8000 electronic documents and Defendant
 4 North Star Trust Co. expects to have produced hundreds of electronic documents.

5 The parties agree that Plaintiffs' opportunity to review the documents should not be
 6 compromised as a result of the fact that Defendants did not complete production within the
 7 timeframe imposed at the last status conference.

8 Therefore, Plaintiffs request and Defendants do not oppose that the Court adopt the
 9 following proposed schedule, wherein all of the dates are moved in conjunction with the
 10 extension granted to the KM Defendants.

11 **II. Proposed Schedule.**

12 In light of the issues outlined in the prior section, the parties jointly propose the following
 13 schedule to govern the remainder of this litigation:

14	1. Deadline for production of ESI and hard copy documents by all Defendants.	December 7, 2007
15	2. Close of fact discovery	May 23, 2008
16	3. Deadline for hearings on motions for class certification and for summary judgment on statute of limitations grounds	July 29, 2008
17	4. Disclosure of identity of experts and exchange of expert reports	October 10, 2008
18	5. Deadline for rebuttal expert reports	October 31, 2008
19	6. Close of expert discovery (depositions)	November 21, 2008
20	7. Deadline for hearing on dispositive motions	January 6, 2009
21	8. Pretrial Conference	February 24, 2009
22	9. Trial date	March 16, 2009

23 Dated: December 4, 2007

24 Respectfully submitted,

25 LEWIS, FEINBERG, LEE,
 26 RENAKER & JACKSON, P.C.

27 By: /s/
 28 Daniel Feinberg

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Dated: December 4, 2007

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Dated: December 4, 2007

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